



IN THE COURT OF DISTRICT JUDGE, GAUTAM BUDDH NAGAR

PRESENT: ATUL SRIVASTAVA, H.J.S.

J.O.CODE No. UP 5738

Misc. Case (G.W) No. 289/2025

1. Smt. Shraddha Yadav W/O late Vikas Yadav, R/O H. No. 46-B, Block-C, Rajat Vihar Sector 62, Noida, District Gautam Buddha Nagar, Current address Flat No. G-6, Apex City, Baghpat Road, Meerut City, Meerut, UP.
2. Minor Nishtha D/O late Vikas Yadav R/O H No. 46-B, Block-C, Rajat Vihar Sector 62, Noida, District Gautam Buddha Nagar, Current address Flat No. G-6, Apex City, Baghpat Road, Meerut City, Meerut, UP.
3. Minor Navya Yadav D/O late Vikas Yadav, R/O H. No. 46-B, Block-C, Rajat Vihar Sector 62, Noida, District Gautam Buddha Nagar, Current address Flat No. G-6, Apex City, Baghpat Road, Meerut City, Meerut, UP.

-----Applicants;

Versus

1. UP State through District Magistrate Gautam Budha Nagar, Uttar Pradesh 201306.
2. Pushpa Yadav W/O late Atar Singh, R/O H. No. D 9, Civil Service, Osirs Welfare Society, Pocket-P-7, Silver Ox, Greater Noida, District Gautam Buddha Nagar.

.....Opposite Parties;

JUDGMENT

1. The present application has been considered under Section 29 (a) of Guardian and Wards Act 1890, read with section 8 (2) (a) and (5) of Hindu Minority and Guardianship Act, 1956 filed by Shrad-

dha Yadav W/O late Vikas Yadav, the minor children of Shraddha Yadav and her late husband Vikas Yadav for seeking permission to transfer the share of minor in House No. 46 B, Block C, Rajat Vihar, Sector-62, Noida, District Gautam Budha Nagar, UP.

2. The application has been moved on 01.11.2025 along with affidavit. UP State through District Magistrate Gautam Budha Nagar and Pushpa Yadav, have been impleaded as opposite parties.
3. The plot which is subjected to sale was allotted to Shraddha Yadav and late Vikas Yadav. After the demise of applicant's husband Late Vikas Yadav on 30.10.2011, as mentioned in application, Shraddha Yadav, Nishtha and Navya Yadav became successors and shareholders of the said plot for late Vikas Yadav. Shraddha Yadav is seeking permission to transfer the property of her minor children as after the demise of her late husband Shri Vikas Yadav, applicant has got no source of income to maintain her children and his studies.
4. In order to prove her case, the petitioner has tendered her evidence by affidavit Paper No. 5 Ga, bearing her signatures and she has also relied upon the photocopy following documents :-
 - I- One set of photocopy of original registry of flat 46 B, Block C, Rajat Viha, Sector 62.
 - II- One set of photocopy of letter no. 2025/5965.
 - III- One set of photocopy of death certificate of Vikas Yadav.
 - IV- One photocopy of death certificate of Atar Singh.
 - V- One photocopy of the heir documents.

VI- Photocopy of school fees receipt of minor Nishtha.

VII- Photocopy of school identity card of Nishtha.

VIII- Photocopy of Adhar card of Nishtha.

IX- Photocopy of school fees receipt of minor Navya.

X- Photocopy of school identity card of Navya.

XI- Photocopy of Adhar card of Navya.

XII- Photocopy of Adhar card of Shraddha Yadav

XIII- Photocopy of Adhar card of witness Kapil Yadav.

XIV- Photocopy of Adhar card of witness Madhu Yadav.

5. The opposite party no. 2 have filed the written Statement wherein they have no objection if the application is allowed. No other person appeared or filed objection despite publication of the matter in the daily newspaper.
6. It has been submitted by learned DGC Civil that applicant had not arrayed her near relatives as party, the widow of Late Vikas Yadav namely Shraddha Yadav has not mentioned that she has not remarried, applicant has also not shown any genuine reason to sale the aforesaid property, hence, submitted that the application shall be rejected.
7. The point of concern is whether there is necessity of the minor children due to which his share in the property is subjected to transfer by natural guardian, the mother. The averments made in the application supported with an affidavit reveals that the children are studying in the school, which incur not only the fees but also

other daily expenses. The mother of the children does not have any disclosed source of income.

8. The opposite party no. 2 have appeared in person and submitted before the Court about the hardship of the family and have no objection if the application is allowed. The applicant is also present and prayed for permission.
9. The mother is a natural guardian of her children and is the best person to decide the well being of her children, perform the duty and the responsibility towards minors, the applicant Shraddha Yadav W/O Late Vikas Yadav appeared and submitted before the Court about the hardship of the family and prayed for permission. Considering the facts and circumstances mentioned in the application showing the need to maintain the minor children, the application is therefore liable to be allowed. This Court while allowing the application is not adjudicating the ownership of the property or the share of minor in the property.

ORDER

The application 4 C is allowed under the provisions of Section 29 (a) of Guardian and Wards Act 1890, read with section 8(2) (a) and (5) of Hindu Minority and Guardianship Act 1956.

Shraddha Yadav mother of the minor children is allowed to transfer the share of minor in the House No. 46 B, Block C, Rajat Vihar, Sector-62, Noida, District Gautam Budha Nagar, subject to following conditions:

1. The applicant shall fetch the best price of the property and deposit separately the share of the minors in a scheduled Bank or post office of maximum interest bearing fix deposit. A self attested copy of the same shall be filed by the applicant in the court within 15 days from the date of sale.
2. The applicant Shraddha Yadav shall execute a bond in the shape of affidavit along with surety of opposite party no. 2 in view of Rule 663, 664 and 665 of the General Rule Civil, of an amount of Rupees One Lakh, to ensure that the interest of the minors shall not be compromised and shall be protected in all exigencies. This shall be filed in the court within 7 days from the date of this order, failing which the permission shall tantamount to be withdrawn.

10.08.2026

**Atul Srivastava
District Judge
Gautam Buddh Nagar**

This judgment signed, dated and pronounced in the open court today.

10.08.2026

**Atul Srivastava
District Judge
Gautam Buddh Nagar**